FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.1536 OF 2006
IN
SECOND APPEAL (ST) NO.23120 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Ashok Bhatewara, for the applicants/appellants.

CORAM: D.B.BHOSALE,J.
DATED: 22.11.2006

P.C.:

Heard the learned counsel for the applicants/appellants.

By this civil application, the applicants have prayed for condonation of three years and forty-nine days delay in filing the second appeal against the concurrent findings recorded by the courts below. The only ground mentioned in the application by the applicants is that their advocate, for the first time on 30.6.2006, informed about the disposal of the appeal vide letter dated 26.6.2006. I perused the letter. By that letter, the advocate has informed the clients to take away their

papers before a particular date and if they fail to do so, he shall not take any responsibility of his papers lying with him. From perusal of the letter, it cannot be said that this was the first communication sent by the advocate informing their clients about the judgment in the appeal. Moreover, there is absolutely no explanation as to why for more than three years they kept quite though their appeal was of 1997. I am not satisfied with the explanation/cause shown for condonation of delay. In the circumstances, the civil application for condonation of delay is rejected. As a consequence thereof, the appeal and the civil application no.1537 of 2006 also stands disposed of as barred by limitation.

(D.B.BHOSALE,J.)